



Department of Energy
Germantown, MD 20874-1290

MEMORANDUM FOR DISTRIBUTION

FROM: SUSAN L. FREY *Susan L. Frey*
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OFFICE OF THE CHIEF INFORMATION OFFICER, IM-11
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NNSA CHIEF INFORMATION OFFICER

SUBJECT: RM Numbered Memo 2002-12: Records Destruction Moratorium for ENRON
Related Records

The following is the text of a message from the DOE General Counsel describing the scope of a records destruction moratorium for records that "relate in any way to Enron's financial condition and/or business interests, including contacts with its officers, employees, agents or other representatives and any individual acting officially or unofficially, directly or indirectly on behalf of Enron about these matters" from January 1999 to the present time. This is not a document search but a call to preserve and maintain records. As requested in the memorandum, these records are to be removed from the normal records disposition cycle for an indefinite time.

Please notice that the scope of the moratorium includes paper and electronic documents, including e-mail, received by Federal or contractor staff. DOJ's request asked us to preserve "all documents...even if there is a question whether the particular document would be a federal record." This will include drafts, working papers, notes, etc., and goes beyond the normal scope of a records destruction moratorium.

We will notify you when this moratorium is removed and normal disposition of these records may resume. Please notify all appropriate staff and contractor records officers of this requirement.

cc: Marc Johnston

From: DOECAST
Sent: Sunday, February 03, 2002 10:06 AM
Subject: Message from the General Counsel Concerning Enron Related Documents

The Department of Justice has formally requested, in connection with a criminal investigation that it is conducting of various matters relating to the Enron Corporation, that the Department of Energy "preserve and maintain" all materials that "relate in any way to Enron's financial condition and/or business interests, including contacts with its officers, employees, agents or other representatives and any individual acting officially or unofficially, directly or indirectly on behalf of Enron about these matters."

The request covers materials of all kinds from 1999 to the present. This includes documents, electronic records including e-mail messages, computer records and storage devices, notes and memoranda. It also applies whether these materials are in the possession of the Department or whether they are in your personal possession (for example, at home).



Please understand that it is preservation and maintenance of materials that is called for by the Justice letter. That means that no document search as such is now required. What is required, however, is that you take whatever steps are necessary to assure that for the indefinite future any materials that fall within the categories described in Justice's letter are not destroyed or disposed of, even inadvertently, for example as part of a routine deletion of e-mail messages or document disposition policy.

Finally, please note that the request seeks preservation of materials even if the materials otherwise fall outside the kinds of records that federal employees are required to preserve in the ordinary course. Thus if you have any materials that fall into any of these categories, even if they are the kind of material that you would otherwise be free to dispose of, Justice's directive to retain this material governs.

Insofar as this memorandum incorporates instructions to Departmental contractors, please be advised that they are issued on the Secretary's behalf after receiving his authorization to instruct all contractors in the performance of their contracts with the Department. Please take whatever steps are necessary to assure completely effective compliance with this request.

The full text of the Justice letter will be forwarded separately. If you have any questions, please contact me at 202-586-5281, Deputy General Counsel Fygi at 202-586-5284, or Deputy General Counsel for Litigation Marc Johnston at 202-586-8337.